

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
STONEX GROUP INC. and STONEX :  
FINANCIAL INC., : Case No. 23-CV-613 (JGK)  
: Plaintiffs, :  
: :  
: v. :  
: :  
: HOWARD SHIPMAN, :  
: :  
: Defendant. :  
-----X

**DECLARATION OF HOWARD SHIPMAN IN OPPOSITION TO PLAINTIFF STONEX'S**  
**MOTION FOR SANCTIONS**

Howard Shipman, hereby declares under penalty of perjury as follows:

1. I am the Defendant in the above-referenced matter. I am fully familiar with the facts and circumstances recited herein from personal knowledge and from my review of documents in this matter.
2. I submit this Declaration in opposition to StoneX's Motion seeking sanctions.
3. Attached hereto as **Exhibit A** is a true and correct copy of Signal Chat Messages on February 2, 2021, from 5:25pm to 5:26pm, with Christopher Amato and Evan Pfeuffer.
4. Attached hereto as **Exhibit B** is a true and correct copy of Signal Chat Messages on February 2, 2021, from 9:21am and 10:56am, with Christopher Amato and Evan Pfeuffer.
5. Attached hereto as **Exhibit C** is a true and correct copy of Signal Chat Messages on February 9, 2021, from 10:00am to 10:04am, with Christopher Amato and Evan Pfeuffer.

6. Attached hereto as **Exhibit D** is a true and correct copy of a Shipping Receipt from Monroe Pack and Ship for the mailing of the StoneX company laptop via FedEx to Cuyler Robinson of Charles River Associates.

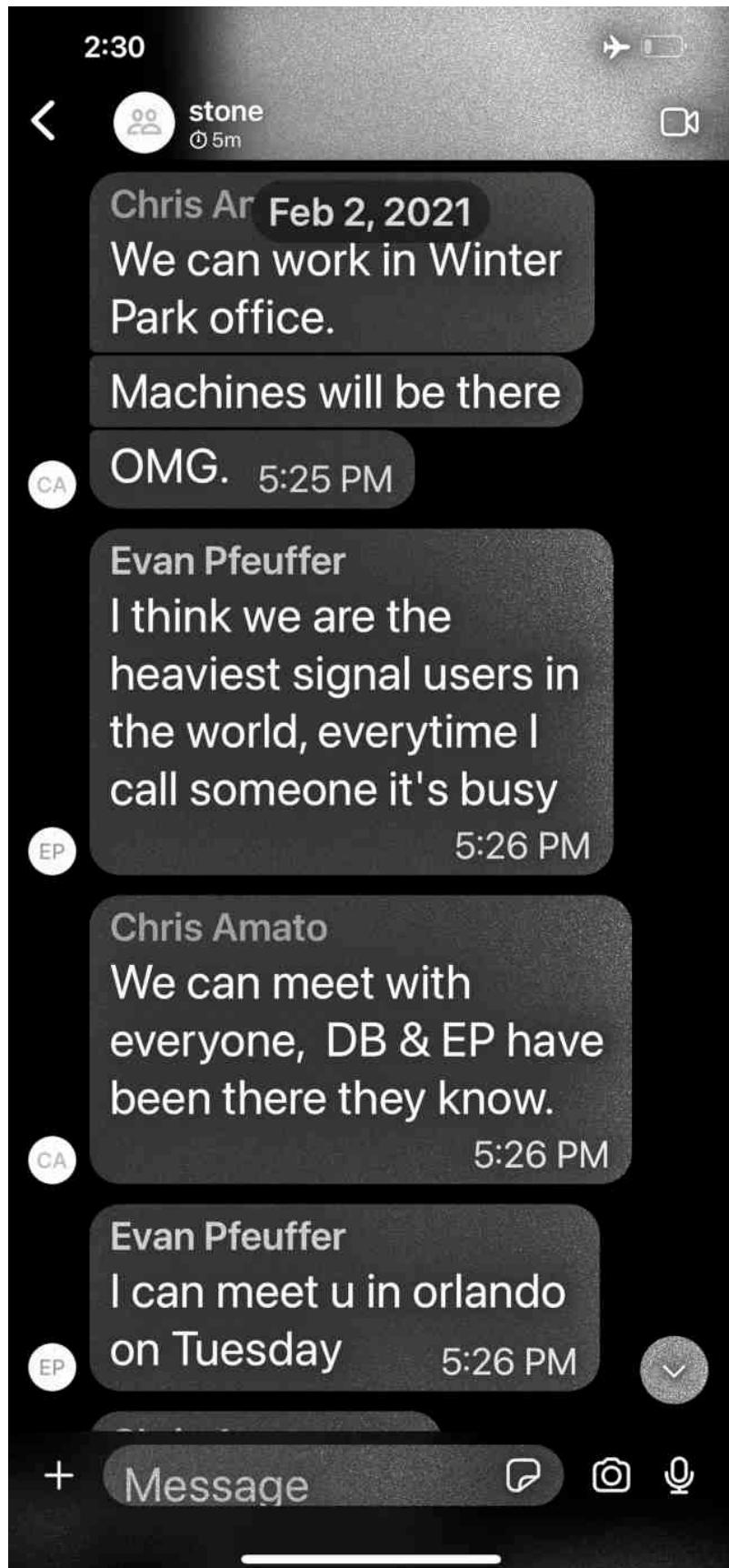
7. Attached hereto as **Exhibit E** is a true and correct copy of a Declaration of Howard Shipman made on October 19, 2023.

I declare under penalty of perjury that the foregoing is true and correct.

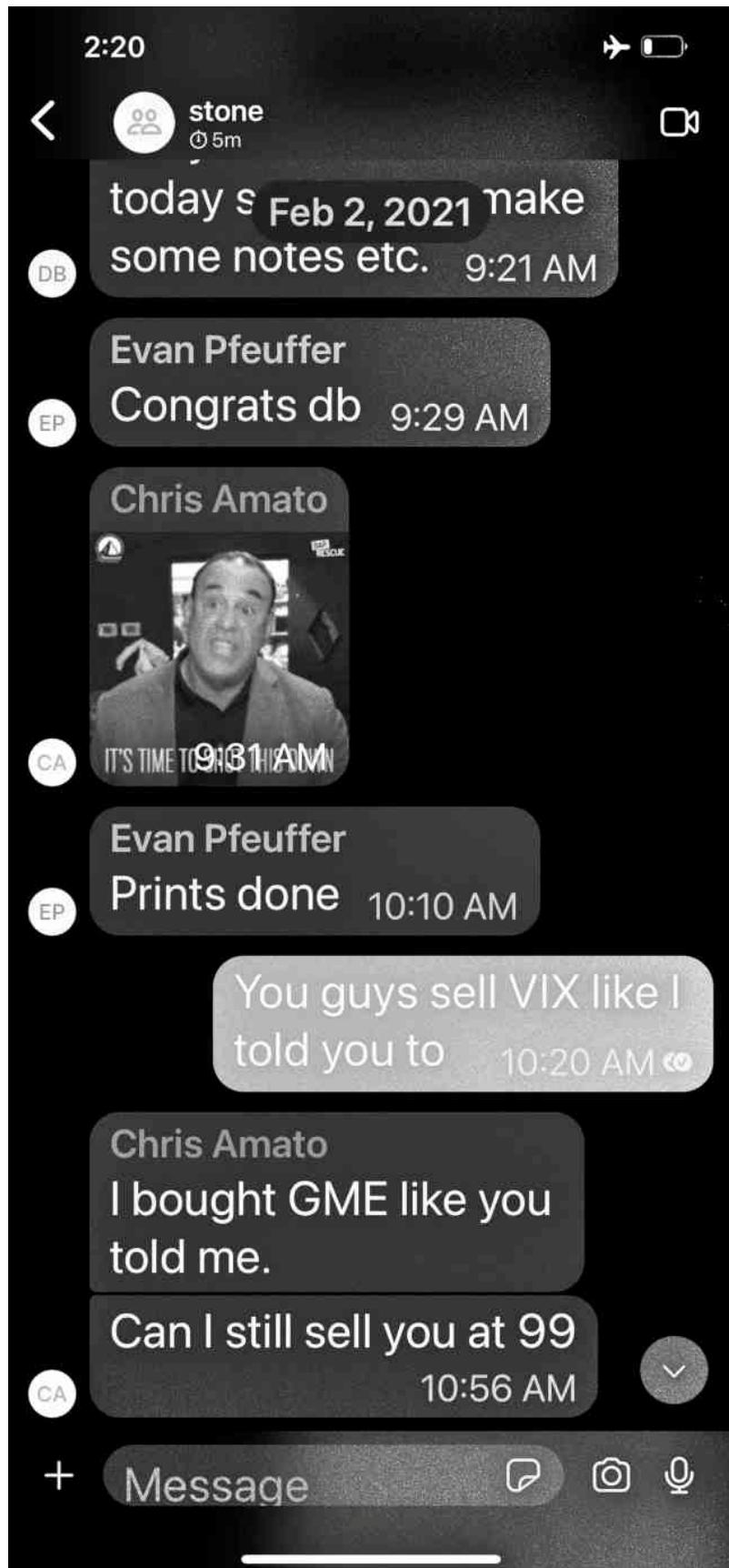
Trumbull, CT  
Dated: October 19, 2023

/s/ Howard Shipman  
Howard Shipman  
15 Tudor Ln.  
Trumbull, CT 06611  
Email: jovejava@yahoo.com  
Phone: (203)536-9534

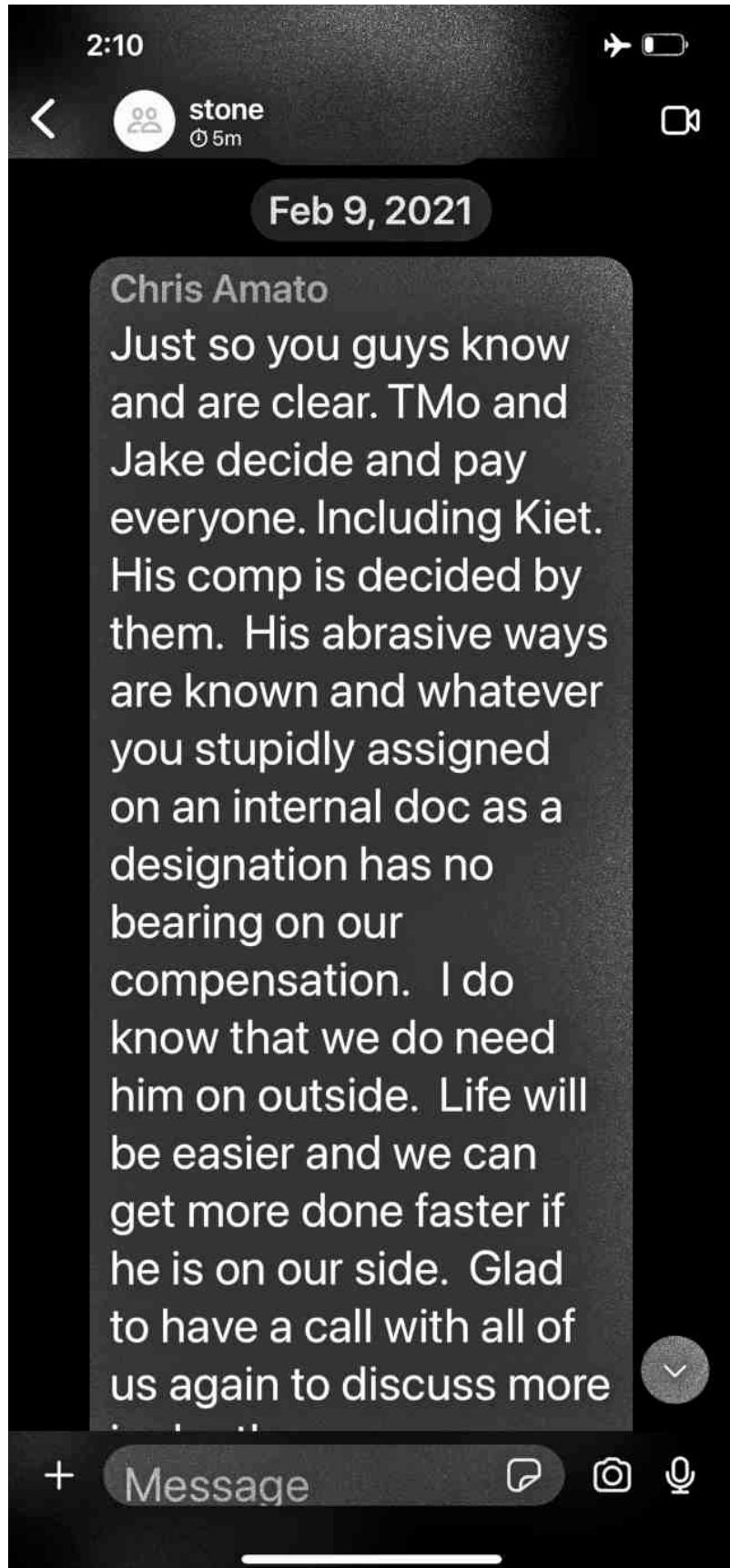
# EXHIBIT A

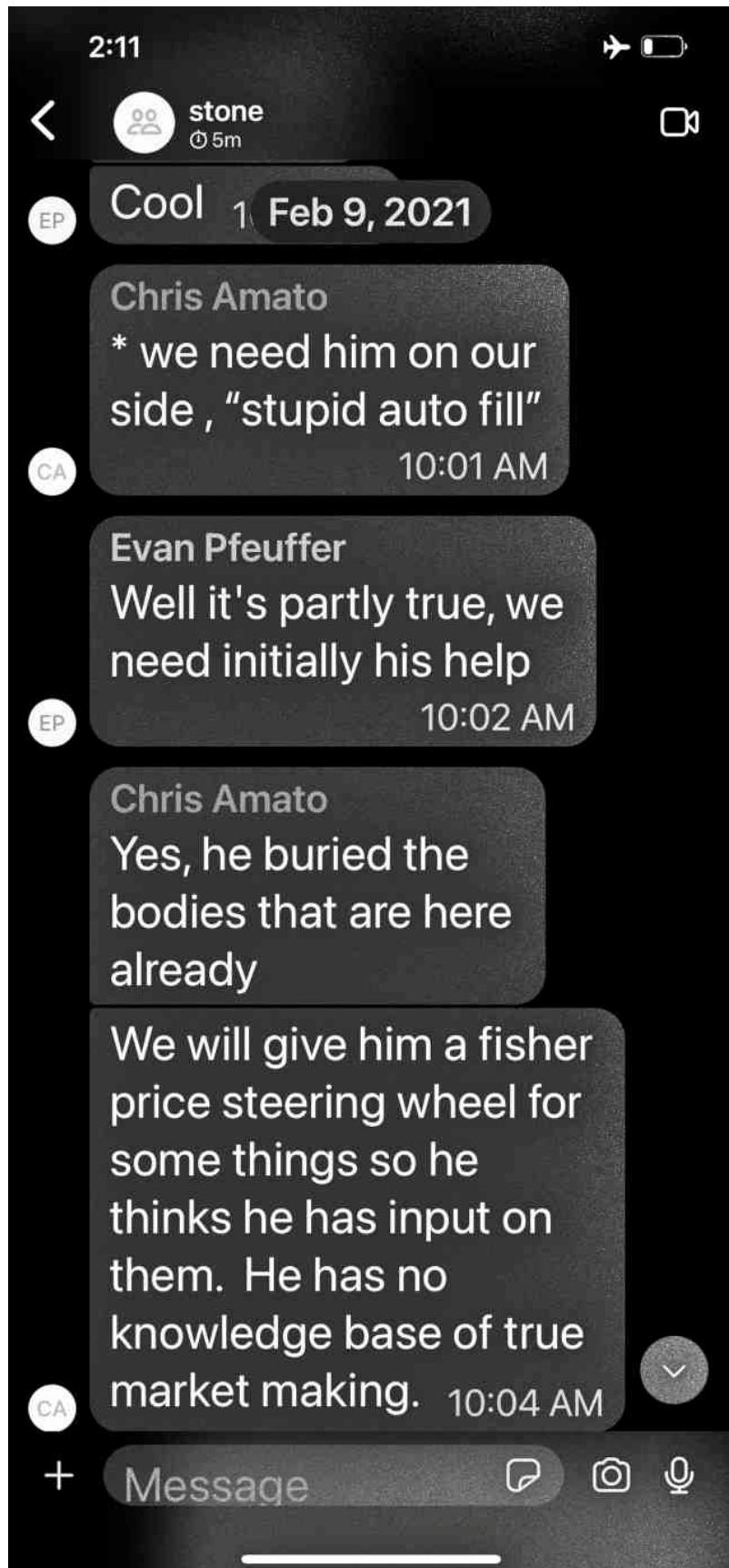


# EXHIBIT B



# EXHIBIT C





# EXHIBIT D

MONROE PACK AND SHIP  
179 Main St  
MONROE, CT 06468  
203-880-9200

Packing Materials 20.00 TX

Shipment

FedEx 2Day

Ship To:

CUYLER ROBINSON  
1 SWACKER DR  
SUITE 3400  
CHICAGO, IL 60606

Package ID: 24534 98.24

Tracking #: 392774467148

Expected arrival: Fri 12/30 08:00 PM

SUBTOTAL 118.24

TAX

State Tax on 20.00 1.40

TOTAL 119.64

TEND MasterCard 119.64

Total shipments: 1

HOWARD SHIPMAN

12/28/2022

#6136 02:32 PM

Workstation: 0 - Master Workstation

CCTran#

Signature

Customer acknowledges that store is not responsible for incorrect information and content supplied. Store has no control over the carriers, handling customer's shipping needs. It is customer's responsibility to proofread any document and artwork before leaving the store. No returns/refunds on printed jobs.

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Thank you for your business

\*\*\*\*\*

# EXHIBIT E

UNITED STATES DISTRICT COURT  
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FINANCIAL INC., : Case No. 23-CV-613 (JGK)  
Plaintiffs, :  
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HOWARD SHIPMAN, :  
Defendant. :  
-----X

**DECLARATION OF HOWARD SHIPMAN**

I, Howard Shipman, am over the age of eighteen and understand the obligations of an oath. I make this Declaration in opposition to the Plaintiff StoneX's motion for sanctions in the above referenced case:

1. I submit this Declaration in opposition to StoneX's Motion seeking sanctions.
2. I was an employee at StoneX from February 8, 2021 to December 9, 2022. During that time, I operated a trading system called Darwin. The Darwin Trading System consistently lost large amounts of money over multiple months. It is not feasible to generate revenue with the technique employed by Darwin.
3. In March 2023, we<sup>1</sup> proposed agreement to the terms of a Permanent Injunction to give Plaintiffs the Relief there were seeking. Plaintiffs did not respond.
4. On or around April 4, 2023, we offered an agreement that would render the Plaintiffs' Relief moot. Plaintiffs did not respond.

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<sup>1</sup> First person plural is used to mean through counsel.

5. On or around April 17, 2023, we offered to agree to the terms of a Permanent Injunction with greater restrictions than the Relief sought in the Complaint, including stipulations. Plaintiffs did not respond.

6. On June 16, 2023, I answered interrogatories for Plaintiffs.

7. Interrogatory No. 4 stated, "Identify the Locations in your possession, custody or control that contained some, or all, of the Darwin source code at any time from June 1, 2022 through the present."

8. I answered Pro Se, "Defendant pleads the Fifth Amendment."

9. I withdraw my invocation of the Fifth Amendment, and I will answer the question plainly: There are no locations in my possession, custody or control that contained some, or all, of the Darwin source code at any time from June 1, 2022, through the present.

10. I recognize that this will appear like a convenient maneuver to obfuscate the truth, so I will elaborate on events surrounding my invocation of the Fifth Amendment.

11. On May 23, 2023, I located several files used in the Darwin project. These are open-source files downloaded from the internet that were used to kick start source code that would become Darwin.

12. I inadvertently collected the open-source files when I collected my personal files from the StoneX company laptop per the Corporate Policy.

13. On May 24, 2023, I brought the USB device holding these files to the deposition at Proskauer Offices, to deliver them to opposing counsel.

14. I met my attorney at the doors of the Proskauer offices, and we conferred.

15. Then, I remained downstairs while my attorney conferred with opposing counsel. I did not attend the deposition.

16. At the rescheduled deposition on June 14, 2023, I attended without representation, and I invoked the Fifth Amendment.

Q: Let me ask you something. Do you understand the consequence of pleading the Fifth Amendment in a civil case?

A: I probably don't, because I'm pro se, but I'm doing the best I can.

17. I have since conferred with counsel, and I withdraw my invocation of the Fifth Amendment.

I declare under penalty of perjury under 28 U.S.C §1746 that the foregoing is true and correct, to the best of my knowledge and belief.

Trumbull, CT  
Dated: October 19, 2023



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Howard Shipman  
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Trumbull, CT 06611  
Email: jovejava@yahoo.com  
Phone: (203)536-9534